

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CARNEGIE INSTITUTION OF  
WASHINGTON and M7D CORPORATION,

Plaintiffs,

v.

FENIX DIAMONDS LLC,

Defendant.

Civil Action No. 1:20-cv-00200-JSR

**JOINT STIPULATION AND ~~PROPOSED~~ ORDER REGARDING TAXABLE COSTS**

WHEREAS, Defendant Fenix Diamonds LLC (“Fenix”) filed a Bill of Costs on October 20, 2023 (ECF Nos. 173-74);

WHEREAS, Fenix and Plaintiff Carnegie Institution of Washington (“Carnegie Science”) seek to avoid the unnecessary preparation and filing of objections and a reply on the amount of taxable costs, and conserve judicial resources for determining the same,

WHEREAS, Fenix and Carnegie Science have met and conferred, and, in order to reduce the burden on the Court, have agreed on the amount of taxable costs; and

NOW, THEREFORE, Fenix and Carnegie Science agree and stipulate as follows:

1. Taxable costs pursuant to Federal Rule of Civil Procedure 54(d) and Local Rule 54.1 are taxed in favor of Fenix in the amount of \$30,000;
2. Carnegie Science shall remit payment of the amount stated in Paragraph 1 to Fenix within 10 business days of the Court’s order on this stipulation;
3. Fenix’s bill of costs filed October 20, 2023 is withdrawn (ECF Nos. 173-74);

4. This stipulation does not impact and shall not be cited by either party as support for their positions with respect to Fenix's pending motion for attorney fees and non-taxable expenses (ECF Nos. 160-64); and
5. Notwithstanding anything to the contrary herein, Carnegie Science reserves all of its rights to seek contribution from any entity with whom it shares liability for taxable costs in this action. This includes, but is not limited to, the right to file any claims in M7D Corporation's bankruptcy proceedings (*In re M7D Corporation*, Bankr. D. Del. Case No. 23-11699) including, without limitation, claims arising from or related to attorneys' fees, costs, or other expenses paid by Carnegie Science to Fenix Diamonds LLC or any of its affiliates or designees (which, for the avoidance of doubt, shall include the amounts required to be paid pursuant to this Stipulation).

Dated: November 10, 2023

/s/ Laura A. Lydigsen

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SO ORDERED:

  
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USDJ

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